UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELECTRONICALLY FILED

DANIEL McGUIRE,

Plaintiff,

-against-

VILLAGE OF TARRYTOWN, et al.,

Defendants.

NOTICE OF CROSS-MOTION
Docket No.

08 Civ.2049 (SCR)

PLEASE TAKE NOTICE: that upon the accompanying declaration of Charles O. Lederman, and upon all pleadings and proceedings heretofore had herein, Plaintiff DANIEL McGUIRE, by and through his attorney, CHARLES O. LEDERMAN, will move this Court before the Hon. Stephen C. Robinson, United States District Judge in the Southern District of New York, located at 300 Quarropas Street, White Plains, New York, on a date and time to be determined by the Court, for an order under Fed.R.Civ.P 12 dismissing the village defendants' affirmative defenses; and/or in the alternative, to grant leave to amend the pleadings of plaintiff herein, and for such other and further relief as this Court may deem just, equitable, and proper.

Dated: White Plains, New York
May 29, 2008

Charles O. Lederman
Attorney for Plaintiff
15 Avondale Rd.
White Plains, NY 10605
(914)681-9593

To: Brian Sokoloff, Esq.
Miranda Sokoloff Sambursky Slone Verveniotis, LLP
Attorney for Tarrytown Defendants
240 Mineola Blvd.
Mineola, NY 11501
(516) 741-7676

Shannon S. Brady, Esq.
Westchester County Attorney's Office
Attorney for Westchester County Defendants